

Rocky Flats Coalition of Local Governments

Boulder County City and County of Broomfield Jefferson County
City of Arvada City of Boulder City of Westminster Town of Superior

Rocky Flats Coalition of Local Governments Board Meeting Minutes

Monday, December 3, 2001

8:00 - 10:30 a.m.

**Mt. Evans Room in the Terminal Building
Jefferson County Airport, Broomfield**

Board members in attendance: Tom Brunner (Alternate, Broomfield), Hank Stovall (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), Sam Dixon (Director, Westminster), Mary Harlow (Alternate, Westminster), Ken Fellman (Alternate, Arvada), Carol Lyons (Alternate, Arvada), Lisa Morzel (Director, City of Boulder), Paul Danish (Director, Boulder County), Jane Uitti (Alternate, Boulder County), Michelle Lawrence (Jefferson County, Director), Karen Imbierowicz (Director, Superior).

Coalition staff members and consultants in attendance: David Abelson (Executive Director), Melissa Anderson (Technical Program Manager), Kimberly Chleboun (Program Manager), and Barbara Vander Wall (Seter & Vander Wall, P.C.).

Members of the Public: John Corsi (Kaiser-Hill), Dave Shelton (Kaiser-Hill), Nancy Tuor (Kaiser-Hill), Bob Nininger (Kaiser-Hill), Anna Martinez (DOE), Joe Legare (DOE), Rick DiSalvo (DOE), Mark Sattelberg (USFWS), Steve Gunderson (CDPHE), David Krucke (CDPHE), Rob Henneke (EPA), Ken Korkia (RFCAB), Michelle Kump (RFCAB), Victor Holm (RFCAB), Tom Marshall (Rocky Mountain Peace and Justice Center), Shirley Garcia (City of Broomfield), Kristi Pollard (Senator Allard), Theresa Sauer (Governor Owens), Doug Young (Congressman Udall), Nancy Hunter (Congressman Schaffer), Doris DePenning (Friends of the Foothills), Paula Elofson-Gardine (Environmental Information Network), Bob Nelson (City of Golden), Gail Bange (Wackenhut), Dan Chesshir (RFSOIU Local #1), Filiberto Cruz (RFSOIU Local #1), Katy Human (Daily Camera).

Convene/Agenda Review

No members of the Executive Committee were present by 8:15 a.m., so the Board decided to convene without them. Ken Fellman motioned to approve Michelle Lawrence as acting Chair during Paul's absence. Mary Harlow seconded the motion. The motion passed 7-0.

Business Items

1. **Motion to Approve Consent Agenda** - Hank Stovall motioned to approve the consent agenda. Mary Harlow seconded the motion. The motion passed 7-0.
2. **Executive Director's Report** - David Abelson began by updating the Board on Coalition funding. He explained the Coalition received the \$120,000 grant from DOE's Office of Long-Term Stewardship and the Site is processing the paperwork. The Coalition will also be receiving \$250,000 from the Office of Worker and Community Transition once it is

ADMIN RECORD

SW-A-005465

approved by Secretary Abraham's Chief-of-Staff. Normally, Under Secretary, Bob Card, would approve the grant but he wanted to avoid any appearance of impropriety. Next, David described overall budget discussions in Washington, D.C. and distributed a newsclip from the *New York Times* which stated the Administration expects to be in deficit spending for at least the next three years. There is also the rumor that the Office of Management and Budget is asking several agencies, including DOE, to cut their budgets by as much as 20%. Additionally, Jessie Roberson is looking for efficiencies and is looking to submit a lower EM budget than Congress funded this year. Thus, David stated budget must be a key component while lobbying in Washington and while discussing endstate options. Third, David said members of staff observed the guard tower demolition November 10th which appeared to have gone well, although some questions remain about the dust suppression system. He said he believes the Board should ask for a "lessons-learned" from Kaiser-Hill. Fourth, David referred to the Stewardship Working Group's list of long-term stewardship goals for the Rocky Flats site and explained these should be incorporated into endstate discussions as a way to examine cleanup and closure holistically. Fifth, he reviewed the potential lobbying schedule for March. David will be working to schedule meetings Tuesday, March 5, and the morning of Wednesday, March 6. Sixth, David reviewed upcoming changes in local government staffing and representation: Jane Uitti is taking over for Carolyn Dulchinos as an alternate for Boulder County; in Broomfield Hank Stovall will become Director and Tom Brunner will be an alternate; Mary Harlow will be retiring from Westminster at the end of the year, and; Carol Lyons is leaving Arvada this month. Additionally, David reminded the Board new terms would begin February 1 and Barbara Vander Wall will need their letters of designation.

South Side Strategy Briefing

Nancy Tuor (Kaiser-Hill) referred to David's comments on the budget and said she was traveling to Washington, D.C. after the meeting to assure DOE Headquarters Rocky Flats is a good investment and the importance of finishing cleanup and closure.

Nancy then described the South Side Strategy, which is the strategy for cleanup and removal of non-plutonium buildings. The work involves approximately 400 structures, including administrative and infrastructure buildings, beryllium shops, waste storage buildings, and uranium buildings. She explained 49% of the facilities are Type 1, 49% are Type 2, and the old nuclear lab, Building 559, is Type 3. Major southside buildings include: B881, which was built several stories under ground; B444, used in manufacturing depleted uranium and beryllium; B883, built around the large equipment within; B886, a former criticality lab; B865, a materials process development lab; and, the waste buildings B440, B991, and B664.

Nancy explained why they decided on this new decommissioning strategy. Originally, in the Closure Project Baseline, 70% of the D&D and ER work was scheduled to occur in the last two years of the project. This approach would have resulted in \$435 million of D&D and ER budget at the same time and presented a key project risk in the initial analysis. Thus, Kaiser-Hill reviewed the project and proposed an approach to spread this large volume of work out over a four-year period while still staying within the original funding. Nancy said this revised strategy will help achieve the Closure Project schedule and cost targets by allowing for an earlier start of large volume D&D and ER work which will allow them more time to deal with any unknowns that may arise. Additionally, ER will be able to get ahead of their work scope and will have more time for final contouring of the Site. The strategy will also create efficiencies by grouping work in large sections.

Nancy referred to a color coded map which divides the Site into five areas based on their location, level of contamination and personnel use, as well as the plutonium buildings. Area 1 will clear the area west of the 903 Pad by spring of 2003. Area 2 includes the Solar Ponds and B991 and its related tunnels, and is scheduled for completion by spring 2004. Area 3 will include the "city area" and many buildings along Central Avenue, as well as B444, and is scheduled for completion by summer 2004. Area 4 will be completed by fall 2004, and Area 5, which is furthest west and considered the cleanest for ER, is scheduled for spring 2005. Nancy said they will be moving up to 1100 people to work offsite over the next two years as their workspace disappears. The floor was then opened for questions.

Paul Danish asked about B883, where tank armor was made, and said when he was first briefed he was told it had been cleaned in 1995. Nancy said they had removed loose property and surface contamination but did not remove large property because they had planned to reuse it for manufacturing. Mary Harlow asked why B881 was not considered Type 3. Nancy replied they had finished most of the characterization there and were unable to confirm the reports of holdup, and had only found very small amounts of contamination on the floor and in vents. Hank Stovall asked about the schedule for the Protected Area (PA) and 903 Pad. Nancy said the PA schedule depends on the removal of materials. According to the accelerated schedule materials need to be shipped by January 2003, and at the latest August 2003 in order to close by 2006. Nancy added field preparations for work on the 903 Pad will begin this fiscal year. Tom Brunner asked what they had gleaned from lessons learned thus far. Nancy confirmed this new strategy should allow them to bring down the South Side for significantly less than originally estimated in the 2006 Baseline, although plutonium building costs will remain the same no matter the circumstances. She stated they had become smarter about property removal, and had learned how to operate smarter and get better proposals from a wider variety of contractors through the D&D of B111. B111 served as a pilot project for commercial decommissioning practices for non-nuclear contaminated facilities. They also learned to reevaluate the composition of metal to concrete in the buildings. Sam Dixon expressed concern over budget cuts and removing unnecessary buildings before plutonium buildings which pose the highest risk. Nancy assured the Board the plutonium building work is always funded first and if there are budget cuts they would apply to this work first. She said the Site's first priority is risk reduction and getting materials offsite. Karen Imbierowicz and Tom questioned where the workers would move to offsite. Nancy explained they will require a 5-year lease including all office equipment, and are in discussions with Westmore and Mountain View.

Public Comment

Victor Holm, a member of the Rocky Flats Citizen's Advisory Board (CAB) speaking for himself, explained the recent CAB recommendation on RSALs. He said the recommendation refers to action levels, not cleanup levels, and incorporates a top down approach which starts at a conservative risk level of 10^{-6} . The action level framework would then have procedures to determine the actual appropriate level of cleanup.

Doug Young said the FY02 Defense Authorization Act which includes the refuge bill is still in conference committee, but the refuge piece is complete and negotiated to the satisfaction of all interested parties. However, since it is still in committee he is unable to share the specific information. David confirmed BRAC legislation is holding up the Defense bill.

Soil Action Level Conversation

David Abelson and Melissa Anderson began the radionuclide soil action level (RSAL)

conversation by presenting an overview. David explained the goal today is to develop a surface RSAL recommendation, including the future use scenario and the acceptable risk to a future user. This recommendation should be considered within the overall endstate dialogue which will be ongoing. Melissa then advised the Board of the staff recommendation for a surface RSAL: a wildlife refuge worker for the future use scenario with an acceptable risk of 10^{-5} . The basis for recommending a refuge worker stems from the CERCLA requirement for cleanup to be protective of a reasonable anticipated future user. With passage of wildlife refuge legislation imminent, a wildlife refuge worker is the most likely future user. The recommendation for risk was based on a consideration of national priorities and corresponding budget constraints as well as uncertainties in predicting the future. Thus, the staff considers 10^{-5} to be protective and fiscally responsible. Melissa pointed out that a wildlife refuge worker at 10^{-5} is also protective of a rural resident at 10^{-4} . She also explained the RSALs were calculated using sum-of-ratios methodology, which means the RSAL is partly dependent on the soil activity ratio of americium to plutonium which varies across the Site. Hence, the staff suggests recommending only the future use scenario and risk number at this time in order to ensure the surface RSAL results in the same risk across the Site, regardless of the activity ratio. David said the RSAL is the starting point for achieving an endstate that meets the Coalition's needs. These endstate issues will include discussions on the surface contamination cleanup, the subsurface, water quality protection, and stewardship. He clarified this risk recommendation is for the surface RSAL only, although DOE has proposed a sitewide risk based approach to cleanup. David said staff will have a draft RSAL recommendation ready for Board approval at the January Board meeting, and then endstate discussions will continue from there.

Paul Danish questioned the sum-of-ratios method and asked if it included all actinides, including depleted uranium. David said it will include all actinides specific to the area. Jeremy Karpatkin (DOE) added when they discuss only the plutonium and americium ratios it is because they have been able to demonstrate that contribution from other actinides is negligible in that area, as is the case with the 903 Pad. Paul said he doesn't have a problem with a risk of 10^{-5} , but he does have a problem if the RSAL is based on only these two actinides and more are found later. Steve Gunderson (CDPHE) said they have been primarily discussing plutonium and americium, but there are discreet areas with uranium, especially in the subsurface as it is more soluble than the other actinides. He said they are currently in the process of reviewing the contribution of uranium, but it is not yet completed. Ken Fellman stated it makes sense to apply risk to each individual part of the Site and suggested giving staff direction today to put an open ended recommendation in writing in time for individual Board members to vote on at the January Board meeting. Hank Stovall agreed to providing a framework for moving the recommendation forward. He proposed the Coalition endorse a minimum risk level of 10^{-5} as a starting point for surface soil cleanup, and by applying ALARA procedures efforts will be made to improve the risk to move toward 10^{-6} . Hank also said it is understood that this proposed RSAL does not fully protect surface water and that the present water standard of 0.15 picocuries per liter shall continue in effect after Site closure. David said the very nature of the soil removal activities would frequently bring the contamination level lower. Mary Harlow expressed concern that the contamination left on the surface could be mobilized and end up in the creeks. She recommended addressing hotspots and soil removal to three feet below grade, and removing anything that could weather. Anything under three feet could be negotiable if there is no exposure pathway. Mary agreed 10^{-5} is a good start, but she would hate to apply it to the entire site. She also noted many areas would have to be cleaned beyond that in order to meet the surface water standard. David said he would draft the recommendation, vet it with staff and the Board, and have it ready for the January meeting.

Jeremy asked to clarify DOE's proposed risk based approach. He explained DOE has not proposed this approach formally, but individuals believe it is an intriguing idea to discuss. DOE feels very strongly about bounding conditions, resource constraints and a finite budget. Jeremy stated that a 10⁻⁵ surface RSAL, based on current calculations, will result in a higher price than what is calculated for in their budget. However, he believes it can be accommodated through other areas and making choices in endstate. Jeremy said the Board recommendation is a positive step in the right direction.

FY02 Budget Hearing

David said the Coalition, as a public entity, is required by law to adopt its budget for fiscal year 2002 by December 31, following a public hearing. He said he had caused a notice of this budget hearing to be published in the newspaper. David then directed the Board's attention to the draft budget and said he had not received any requests for changes since the last meeting. Sam asked if the Coalition was sure of forthcoming funding. David confirmed they are assured funding for the coming year. Paul Danish then opened the budget hearing for public comment. Upon absence of public comment, Paul Danish closed the public hearing. Barbara Vander Wall presented for the Board's consideration a proposed resolution approving the budget and appropriating the funds for fiscal year 2002. Lisa Morzel motioned to adopt the budget. Hank Stovall seconded the motion. The motion passed 7-0.

FY02 Strategic Plan

David presented an overview of the draft fiscal year 2002 Strategic Plan by explaining how Coalition work will relate to two key questions: 1) What do we get at closure; and 2) What do we need and/or get after closure? He outlined how comprehensive endstate issues are considered under the "Cleanup and Closure" and "Long-Term Stewardship" sections, and work on the refuge management plan has been added to the "Future Use" section. David said he removed the task of examining post closure worker retirement and health benefits from the "Rocky Flats Workforce" section after the Office of Worker and Community Transition advised him that is not a role best suited for the Coalition. He also pointed out that he moved issues related to the prescribed burn to the "Future Use" section as part of the development of a long-term weed management strategy. David said this approach would still move the issue forward and be consistent with obtaining more data and working closely with USFWS. He also noted DOE staff had recommended canceling the spring 2002 prescribed burn, thus allowing more time to discuss integrated weed management. Paula Elofson-Gardine asked what had become of the committee to work on the burn issue. David explained the Coalition had agreed to the importance of having non-DOE experts looking at the range of options for weed management in totality. This proposed approach will provide the mechanism to do just that. Paula asked the length of time before stakeholders can engage in a meaningful dialogue on this, and David said he was not sure. Paula said she hoped that DOE would take concern for public health seriously. Ken Fellman said part of the strategic plan had been to work with DOE in providing input on the comprehensive weed management program. David said he would clarify that further in this plan.

Hank Stovall asked if the Coalition kept in contact with the Energy Communities Alliance (ECA), and if there are national level projects from which the broader community could benefit. David said he works with ECA on long-term stewardship, DOE budget issues and other national issues as there is much overlap between Coalition and ECA interests. However, many issues at Rocky Flats are specific to the site. He said the interface with ECA is obliquely captured under "Outreach". Hank stated the Coalition needs to work with the agencies to adopt certain cleanup

levels on a revenue neutral basis in order to obtain an equal or better cleanup within the current budget. David said the Board will be focusing on these endstate discussions. Mary Harlow said the plan should have the flexibility to address a priority item that may arise, such as budgeting and waste shipments. David replied budget and waste shipment issues are captured in the plan, and this is also something the Board will probably want to address while lobbying in Washington, D.C. in March.

Sam Dixon referred to the "Long-Term Stewardship" section and the toolbox. She stated Westminster originally wanted a bulleted checklist, but that was ignored and it has now turned into a book. David respectfully disagreed the checklist was ignored, and explained the toolbox is a group project attempting to create something of value to address a variety of needs. The toolbox will be applicable to the remedy selection process as well as the Site's long-term stewardship plan, and will incorporate the checklist as one part of the toolbox report. Mary said the checklist can serve all the way through the process, from remedy selection to the ROD. She said the group will spend the next three to four month writing just another document to collect dust, and argued the group should instead produce something useable. David said he will continue to work with the cities on this project.

Public Comment

There was no further public comment at this time.

Round Robin

Westminster - Mary Harlow thanked the Board for the opportunity to work with them on Rocky Flats issues as they are so important to future generations.

Big Picture

David Abelson reviewed the big picture. At the January meeting the Board will finalize the strategic plan and the RSAL recommendation and receive an update from Kaiser-Hill on closure performance. The Board will also begin endstate discussions. David suggested a short February meeting to conduct business, and then move into a work session to scope endstate issues and information needs.

The meeting was adjourned by Paul Danish at 10:28 a.m.

Respectfully submitted by Kimberly Chleboun, Program Manager

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